

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN DONALD KERFOOT,

Defendant.

NO. CR06-252TSZ

PROTECTIVE ORDER

~~(Proposed)~~

This matter, having come to the Court's attention on the Stipulated Motion for Protective Order, and the Court, having considered the entirety of the record and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Permissible Disclosure of Protected Material.

The material that is described in the Stipulated Motion is deemed "Protected Material." The United States will make available copies of the Protected Material to defense counsel as necessary to comply with the government's discovery obligations. Possession of the Protected Material is limited to defense counsel, as well as his investigators, paralegals, assistants, law clerks, and experts (hereinafter collectively referred to as "members of the defense team").

Members of the defense team may not provide copies of the Protected Material to any other persons, including the defendant himself; provided, however, that members of

1 the defense team may display and orally discuss the contents of the Protected Material
2 with defendant. In addition, defense counsel is required to provide a copy of this
3 Protective Order to members of the defense team, and obtain written consent from
4 members of the defense team of their acknowledgment to be bound by the terms and
5 conditions of this Protective Order, prior to providing any Protected Material to the
6 members of the defense team.

7 The written consent need not be disclosed or produced to the United States unless
8 requested by the Assistant United States Attorney and ordered by the Court.

9 2. Dissemination of Protected Material Outside the United States

10 If defense counsel retains a member of the defense team who lives or works
11 outside the United States to assist in investigating this matter, defense counsel shall, prior
12 to providing the Protected Material to said individual: (1) inform the government of the
13 identity and employment of said foreign member of the defense team; (2) inform the
14 government as to what Protected Material shall be provided to the foreign member of the
15 defense team; and (3) confirm that the foreign member of the defense team has provided
16 his or her written consent to the terms of this order and that he or she shall be subject to
17 this Court's jurisdiction.

18 3. Disputes Over Scope of Protective Order.

19 If, after receiving the disclosure provided above, the government nonetheless
20 objects to the provision of the Protective Material to the foreign member of the defense
21 team, defense counsel agrees to refrain from disseminating the Protective Material to the
22 foreign member of the defense team until the parties can obtain further guidance from the
23 Court.

24 Similarly, if defense counsel believes the government has improperly designated
25 material as Protected, defense counsel may seek a further order of this Court; provided,
26 however, that defense counsel shall again not disseminate the disputed Protective
27 Material until the Court has ruled.

4. Filing

Any Protected Material that is filed with the Court in connection with pretrial motions, trial, or other matters before this Court, shall be filed under seal and shall remain sealed until otherwise ordered by this Court.

5. Disclosures by the United States.

This order does not limit employees of the United States Attorney's Office for the Western District of Washington from disclosing the Protected Material to members of the United States Attorney's Office, federal law enforcement agencies, and to the Court and defense as necessary to comply with the government's discovery obligations.

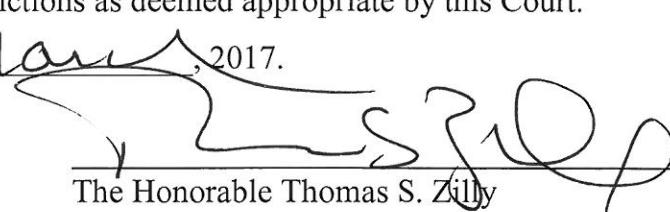
5. Nontermination

The provisions of this Order shall not terminate at the conclusion of this prosecution. Furthermore, at the close of this case, defense counsel shall return the Protected Material, including all copies of the Protected Material, to the office of the United States Attorney, or otherwise certify that the material has been destroyed.

6. Violation of Any Terms of this Order

Any person who willfully violates this order may be held in contempt of court and may be subject to monetary or other sanctions as deemed appropriate by this Court.

DATED this 23rd day of March, 2017.


The Honorable Thomas S. Zilly
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Vincent T. Lombardi

VINCENT T. LOMBARDI

Assistant United States Attorney

/s/ Gilbert Levy

GILBERT LEVY

Attorney for Defendant